

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

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| SHEILA M. MARTIN, <i>et al.</i>, | : | |
| Plaintiffs | : | CIVIL ACTION NO. 3:17-1792 |
| v. | : | (MANNION, D.J.) (SCHWAB, M.J.) |
| TOWNSEND R. MOREY, III, <i>et al.</i>, | : | |
| Defendants | : | |

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) the unopposed report and recommendation of Judge Schwab, **(Doc. 54)**, is **ADOPTED IN ITS ENTIRETY**;
- (2) the plaintiff's motion to substitute, **(Doc. 36)**, is **DENIED**;
- (3) all of the claims brought by plaintiff on behalf of Townsend R. Morey, Jr. and Peter A. Rodenrys in her amended complaint, **(Doc. 38)**, are **DISMISSED**, and Townsend R. Morey, Jr. and Peter A. Rodenrys are **DISMISSED** from this case as plaintiffs;
- (4) defendant Bon Secours Hospital's motion to dismiss the plaintiff's amended complaint, **(Doc. 41)**, for insufficient service of process is **GRANTED**, and the plaintiff's

amended complaint, **(Doc. 38)**, is **DISMISSED WITHOUT PREJUDICE** against the defendant hospital;

- (5) defendant Townsend R. Morey, III's motion to dismiss the plaintiff's amended complaint, **(Doc. 46)**, for failure to stated a claim is **GRANTED**, and the plaintiff's amended complaint, **(Doc. 38)**, is **DISMISSED WITH PREJUDICE** against this defendant as to all claims;
- (6) the claims in the plaintiff's amended complaint, **(Doc. 38)**, against defendants David Morey and Martin Morey are **DISMISSED WITHOUT PREJUDICE**, pursuant to Fed.R.Civ.P. 4(m), for lack of service;
- (7) the claims in the plaintiff's amended complaint, **(Doc. 38)**, against defendants Tracey Simon and Pike County Agency on Aging are **DISMISSED WITHOUT PREJUDICE**, and the plaintiff is **GRANTED** leave to file a second amended complaint against these two County defendants limited to the claims she brings on her own behalf;
- (8) the plaintiff is directed to filed her second amended

complaint, as specified in this Order, by **July 24, 2019**,
and the plaintiff is directed to raise only claims she brings
on her own behalf against the above stated defendants
who have been **DISMISSED WITHOUT PREJUDICE**; and
(9) this case is **RECOMMITTED** to Judge Schwab for further
proceedings.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: July 9, 2019

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